



# Goostrey Parish Council

## PLANNING COMMITTEE MEETING

Minutes of the meeting on 25<sup>th</sup> April 2023 at 7pm

in The Village Hall Lounge

**Present:** Cllrs. Rathbone (TR)(Vice Chairman), Ross (CR), Sulej (JS) and Beckham (NB)

**In Attendance:** E Bambrook, Clerk to the Council and Cllr. O'Donoghue (IOD) Parish Council Chairman.

1. **Declarations of Interest:** There were no declarations of interest made.
2. **Apologies for Absence:** Cllrs. Morris and Craggs.
3. **Minutes of the Meeting of 31<sup>st</sup> March 2023**

***Resolved:** The minutes of the meeting of 31<sup>st</sup> March 2023 were accepted as a true record of the meeting.*

4. **Planning Applications:** To consider and agree comments on the following planning applications:

a) To receive and consider the following planning application:

[23/1176C](#) 140, MAIN ROAD, GOOSTREY, CW4 8JR. Single storey rear extension to replace existing conservatory. First floor front dormer extended with gable to replace hipped roof. General refurbishment and replacement of windows and finishes. Comments deadline 26<sup>th</sup> April 2023.

***Resolved:** The committee resolved to make no comment on planning application 23/1176C.*

[23/1322C](#) 128, MAIN ROAD, GOOSTREY, CREWE, CHESHIRE, CW4 8JR. Two story side extension, single story rear extension, amendments to front porch and associated external works Comments deadline 2<sup>nd</sup> May 2023

***Resolved:** The committee resolved to make comment that the style of the gates in this application are not in accordance with Goostrey's village design statement.*

[23/1375C](#) WOODSIDE COTTAGE, CROSS LANE, GOOSTREY, CW4 8DG. Proposed Replacement Dwelling. Comments deadline 10<sup>th</sup> May 2023

***Resolved:** The committee resolved to make no comment on planning application 23/1375C.*

- b) To ratify the comments made by the Clerk for the following applications which were received after the agenda for the meeting on 31<sup>st</sup> March was issued and with comments deadlines before the next meeting:

[23/1187C](#) 154 Main Road. Submitted comment: No comment.

[23/1222C](#) 23 Willow Lane. Submitted comment: No comment.

**Resolved:** *The Planning Committee resolved to approve the comments made regarding planning applications 23/1187C and 23/1222C by the Clerk under delegated authority according to Standing Order 25b in order to meet the deadline for comments.*

**5. Correspondence:** To approve responses to the following:

- a) Response to Complaint Number 19541281 regarding planning application ref. 21/2569C.

**Resolved:** *The committee approved the following response to the findings of the Complaints Manager at Cheshire East Council:*

**SUMMARY**

1. Thank you for your email of 14<sup>th</sup> April 2023 responding to our formal complaint which we submitted to you on 29th December 2022. We are a formal Member of the Jodrell Bank Observatory World Heritage Site Steering Group. We have presented as a witness at several Planning Inquiries involving Jodrell Bank. We are the Qualifying Body and authors of the Goostrey Neighbourhood Plan which contains policies related to Jodrell Bank.
2. We are dissatisfied with your response and require this complaint to be taken to Stage 2.
3. The reason that we are dissatisfied is that we strongly disagree with your view that you “*do not consider that the consequences of this individual and limited permission are so significant to warrant a revocation of planning permission.*” In the details below we explain why the consequences are very significant.
4. The outcome we are seeking is that Cheshire East should revoke the acknowledged erroneous approval of planning permission 21/2569C which refers to the incorrect drawings, because of the very significant consequences.
5. We point out that you have provided no explanation as to why you consider the consequences not sufficiently significant. You do not mention the size of the impact or the cumulative effect of the radio interference on Jodrell Bank Observatory in this very sensitive location. It is our contention that the ITU limit will be breached, by at least a factor of 2, a level at which JBO have stated that the effect would prejudice the efficiency of the radio telescope, both incrementally and cumulatively.

**IMPACT ON JODRELL BANK OBSERVATORY’S RADIO TELESCOPES**

6. The original drawings for this application were submitted On 10<sup>th</sup> May 2021 (Revision A labelled ‘Feasibility’). Jodrell Bank objected to this application on 27<sup>th</sup> October 2021. Their objection says that “In the case of the proposal 21/2569C, we oppose this development **as it would impair the efficiency of the telescopes**”.
7. The Cheshire East Local Plan Strategy (SE14) states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope.
8. Neighbourhood Plan Policy SC2 states ‘*Developments will not be permitted which can be shown to impair the efficient operation of the radio telescopes*’.
9. Neighbourhood Plan Policy HOU1 says that new dwellings (ancillary or otherwise) ‘*should not individually or cumulatively harm the operation of the Jodrell Bank Radio Telescopes*’
10. Therefore, the drawings (Revision ‘A’ - now erroneously approved) conflict with Local Plan Policy SE14 and Neighbourhood Plan Policies SC2 and HOU1.

11. Cheshire East Council clearly considered the impact of such significance that negotiations took place with the applicant so that the drawings went through numerous iterations, with the final drawings (dated 23 February 2022, 9 months after the original submission) being marked Revision 'E', the building was downsized from the original Revision 'A'.
12. Drawings labelled Revision 'E' were intended for approval and CEC considered the impact on JBO at this stage would have been lowered to negligible as the Officer's report states that it *'complies with policies'*.
13. On 15<sup>th</sup> July 2022, CEC wrongly approved drawing Revision A, ie the drawing which JBO said *"would impair the efficiency of the telescopes"*. It is the change back to A (from E), which must therefore cause that impairment to the telescopes and no longer complies with policies, and we therefore do not accept that the consequences are not so significant as to justify revocation.
14. The physical changes from E back to A include an increase in the roof height, addition of a kitchenette and living room, the addition of 3 new dormer windows in the north-east elevation, plus new windows running roof-to-floor in the upper storey of the North-West elevation. It is now a new stand-alone dwelling. This introduces new electrical equipment and controls (microwave, cooker, fridge, other electrical kitchen appliances, more lighting etc). The permission has no conditions for screening of radio-frequency emissions (such as foil backed plasterboard or special window glass). Moreover, when the dormer windows are open, there is no screening at all and interference will travel directly to the telescopes.
15. In their objection, JBO state that they have carried out their own analysis and use of the ITU model in formulating their objection to this application. We point out a very similar proposal in Boots Green Lane, refused at appeal 3296893. This appeal was for retrospective permission for a change from a stable block to a granny annex. The proposal had a similar number of rooms including a kitchen/diner and lounge as in this case. The electrical equipment introduced by these rooms would be similar. JBO calculated that this proposal would have exceeded the agreed International Threshold for harmful interference to radio astronomy **by a factor of at least 2**. It is in the Outer Consultation Zone, whereas our complaint relates to the Inner Consultation Zone. The following paragraphs are relevant from the Inspector's report:

*'8. The JBO identify that the modelling of 'the predicted levels of radio noise from the proposed dwelling show that it would exceed the agreed international threshold for harmful interference to radio astronomy by a factor of 2, assuming a typical inventory of electrical and electronic equipment'. Further, it identifies the result as a conservative estimate.'*

*'10. The JBO's representative (Manchester University) consider that the effect would prejudice the efficiency of the radio telescope. Whilst it acknowledges that the effect from a single residential unit may be limited, the JBO representations explain that data accuracy can be affected by background interference levels and this includes its cumulative effect with smaller areas of development close to the telescope. These are already impairing efficiency, and the development would exacerbate interference when measured against the ITU threshold to degrade the JBO's ability to perform its recognised function. Accordingly, the harm referred to in Policy DM12 is identified to exist.'* Policy DM12 is Cheshire West's equivalent to SE14.

## CUMULATIVE EFFECT

16. In your reply to our complaint, you refer to the 'individual' consequences of the erroneous approval. However, it is very clear that damage to JBO is also caused by a 'cumulative' effect as explained by JBO in the appeal above. This erroneous approval would also be a contributor to that cumulative effect.
17. Cheshire East Council has also made this point at appeals. In the Secretary of State's report on case 3129954, (para 55 under the Section entitled 'The Case for Cheshire East Council') Mr Katkowski QC is noted as saying, on behalf of CEC, that *"The incremental approach has the obvious vice that it would be judged against an ever-increasing baseline. The fundamental problem with the appellant's approach is that it would leave JBO unprotected from 'death by a thousand cuts' as, if the test is that an individual development has to have an unacceptable impact then there is no way for cumulative impacts to be accounted for."*
18. In JBO's objection to the erroneously approved drawings they say that *'the cumulative impact of this and other developments is more significant than each development individually.'*
19. For Appeal 3284028 (2 Office Buildings in adjacent field equivalent to 1.8 dwellings according to JBO). The inspector wrote:

*"13. However, according to the Council's advisor, this does not equate to a zero effect on the JBO. Whilst it could meet a standard set by the ITU, it would add to the cumulative effects of development in the Jodrell Bank Consultation Zone."*

20. Neighbourhood Plan Policy HOU2 specifically refers to the cumulative effect as above.

## EXCEEDANCE OF ITU THRESHOLD AND SENSITIVITY OF THE SITE

21. In various appeal cases listed below, the Inspectors have consistently taken the view that developments causing any exceedance of the ITU limit (individually or cumulatively) have a negative and damaging effect on the Jodrell Bank Observatory contrary to Local Plan Policy SE14 as well as being contrary to Goostrey Neighbourhood Plan Policies SC2 and HOU1.
22. This site is one of the most sensitive in the area. This is because the ITU limit here is already exceeded (before any further development) and the path loss for interference is minimal.
23. In the Secretary of State's report refusing permission for appeal 3129954 (adjacent site), the Inspector makes this clear in para 263: *"In the case of the current appeal, however, it is common ground that there is currently a substantial exceedance of the ITU threshold"*. He repeats this in para 269. *"ITU threshold is now substantially exceeded and is likely to have been for very many years"*
24. in Appeal 3284028 (adjacent site) the Inspector wrote:

*"14 Moreover, it is notable that, in the scope of the JBOs observations, the appeal site lies at an azimuth where observations at a low altitude above the horizon are frequently taken. The particularly sensitive location is modelled as one having particularly high cumulative effects"*.

25. This is illustrated by the diagrams attached below. The Lovell telescope is tilted towards this site and towards the horizon where observations are made into the centre of the Galaxy and

in the example shown, the telescope is making fine measurements of the Crab pulsar. Any data lost as a result of radio frequency interference cannot be recreated.

26. In appeal case 3129954, the CE Council's Major Applications Team Leader gave testimony, referenced in para 125, that ITU RA 769-2 *"has been adopted by CEC as an inviolable standard by which to determine planning applications. CEC's case, as stated by its witness Mr Crowther, is that any exceedance of the ITU threshold was a breach of Policy PS10 and led to refusal of planning permission."*
27. It is certain that this extra development (ie the subject of this complaint) will breach the ITU limit both incrementally and cumulatively.
28. There are many appeals on immediately adjoining fields around this site which have been refused due to exceedance of the ITU limit, including 3129954, 3166025, 3284028 and 3218817 (the last of these for a single dwelling). Other cases refused due to breaches of the ITU limit include 3224057, 3197429 and 3267030.
29. A typical example of a refusal is in appeal 3293862 where the Inspector references the exceedance of the ITU limit as the reason to refuse the application. The inspector says in Para 40
- "40. Consequently, even though the appellant considers that the exceedance is relatively minor, the proposal would have a detrimental effect on the efficiency of the JBRT as it would exceed the ITU."*

30. In appeal 3166025 (adjacent field, 6 dwellings) the Inspector wrote:

*"16. His study [Prof Garrington] concludes that the appeal proposal would result in an exceedance of the International Telecommunications Union Recommendation ITU- RA.769-2 by a factor of 20. This threshold is an internationally recognised measurement of the level at which radio interference is considered harmful to radio astronomy measurements...*

*This takes into account, amongst other variables, the intervening terrain, its location to the south west of the JBRT in the direction of the celestial horizon, which is a very significant area of sky for pulsar observations and important for shared data from telescopes in the northern and southern hemispheres, as well as the site's proximity to the radio telescopes. I note that pulsar observations remain Jodrell Bank's most significant contribution to primary radio astronomy research, and that it holds the longest database of pulsar timings in the world."*

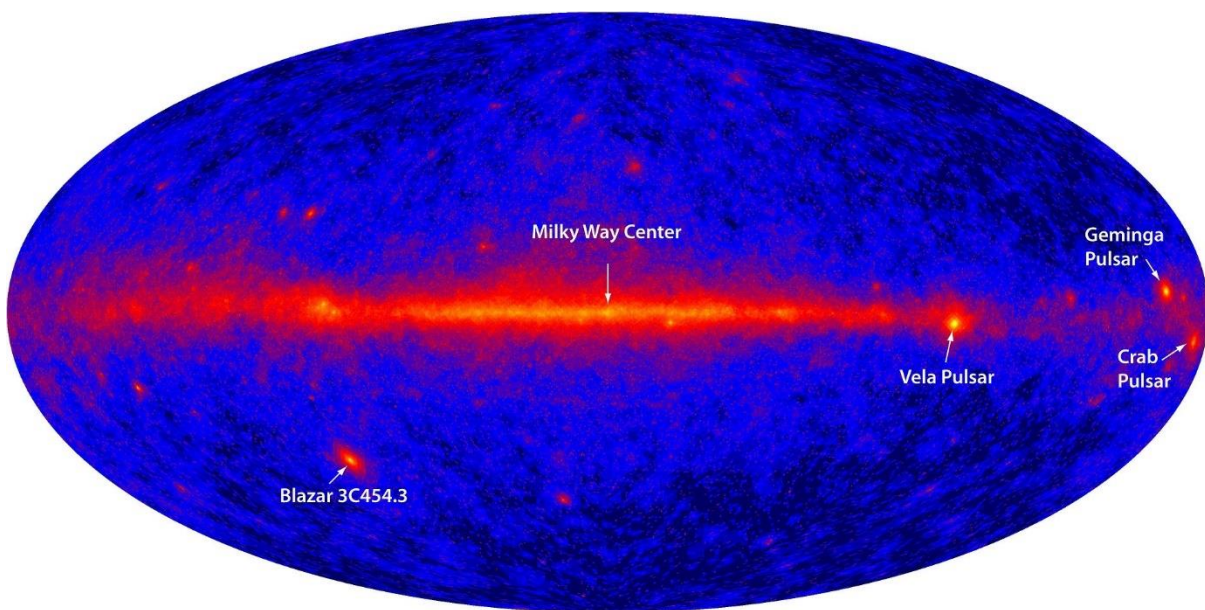
31. For Appeals 3218817 and 3219327 (adjacent field) the inspector wrote:

*'18. The JBO submissions conclude that the proposals would be expected to produce levels of interference in excess of the ITU threshold for interference harmful to radio astronomy by a factor of 3 for one dwelling and a factor of 10 for three dwellings. Together with the collective impact of existing development in the south to southwest aspect, the proposals would add to, albeit to a limited degree, existing high levels of radio interference.'*

*'23 I conclude that it is highly likely that the proposals, both for a single dwelling and for three dwellings, would exceed the ITU threshold for harmful interference.'*



Photograph shows the Lovell telescope pointing directly at 61A Main Road with very little path loss, observing the Crab Pulsar



Position of the Crab Pulsar relative to the Centre of the galaxy.

- b)** Response to Enforcement Number 23/0154E regarding Holly Bank Farm, 65, MAIN ROAD, GOOSTREY, CW4 8JR – erection of a detached garage.

**Resolved:** *The committee approved the following response to the Enforcement Officer:*

*Thank you very much for your email reply dated 5th April 2023, regarding our Enforcement request on the construction of garages at Holly Bank Farm without planning permission. However, we disagree with your assessment that it is Permitted*

*Development because the garages extend beyond the curtilage of the property. This can be clearly seen in the map below (where the barn is labelled 67). The distance from the barn to the edge of the curtilage is just under 5 metres, whereas the garages have been constructed beyond the curtilage with a width of about 9 metres. Our understanding is that Permitted Development only applies to building works inside, not outside, the curtilage. The map can be found on Cheshire East Council's Public Map Viewer. Additionally, the edge of the curtilage is also the village Settlement Boundary as defined in the recently approved CE SADPD, Goostrey Settlement Report (ED30 page 21), which means that the garages extend into 'Open Countryside'. This area is also part of a 'Green Gap' defined in the Goostrey Neighbourhood Plan, Policy VDLC2 (Village Design and Local Character) on page 34. This Policy states that The Local Green Gaps should be preserved as Open Countryside'. This is particularly important as this space preserves the 'bowtie' nature of the village separating the West of Goostrey's built form from the East (also a part of the VDLC2 Policy).*

*Given that this cannot be defined as Permitted Development and there are Policy conflicts with the CE Local Plan (Open Countryside), the SADPD and with the Goostrey Neighbourhood Plan, we ask that you inform the owner that they will need to apply for retrospective planning permission or remove the garages forthwith.*

- 6. Minor Items and Items for the next meeting:** None.
- 7. Applications received after the agenda for this meeting was issued:** None.
- 8. Date of the Next Meeting:** Tuesday 23<sup>rd</sup> May 2023.

**Meeting closed at 7.10pm**